

BOARD DOCUMENT NO. 07-03

MANUFACTURED HOME INSTALLER LICENSING BOARD

Minutes of the Meeting held on

Tuesday, May 22, 2007

Indiana Professional Licensing Agency
402 West Washington Street, Room W064
Indiana Government Center South
Indianapolis, IN 46204

Board Members Present: Floyd "Tom" Wall, Chairperson
Robert Young, Vice-Chairperson
William Story
Danny Yoder
Evor Johns
Rex Heil
Galen Yoder
Richard Huff

State Officials Present: Julie Alexander, Deputy Attorney General

Minutes transcribed
and Compiled by: Deborah Widemon, Board Director

MINUTE NO. 07-15

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

The Board meeting was called to order at 9:35 a.m., pursuant to public notice of the Board posted at least forty-eight (48) hours prior to the time of the meeting
The agenda is attached and marked as **BOARD EXHIBIT 07-03A**

MINUTE NO. 07-16

ADOPTION OF AGENDA

G. Yoder moved to adopt the agenda. E. Johns seconded the motion. Motion carried.

MINUTE NO. 07-17

ADOPTION OF THE MINUTES OF THE APRIL 24, BOARD MEETING

D. Yoder moved to approve the minutes of the April 24, 2007 board meeting.
R. Heil seconded the motion. Motion carried.

MINUTE NO. 07-18

DELIBERATIONS AND POSSIBLE ISSUANCE OF FINAL ORDER STATE OF INDIANA vs. ROY MOORE, LICENSE NO. MH00500028

RE: NOTICE OF PROPOSED DEFAULT ORDER AND RESPONSE TO THE NOTICE OF PROPOSED DEFAULT

Mr. Moore submitted a response to the Notice of Proposed Default and indicated that he would not be present. The Board noted and reviewed Mr. Moore's response. Tanisha Willoughby, Deputy Attorney General represented the State of Indiana. Ms. Willoughby proceeded by requesting that the Board find Mr. Moore in Default.

E. Johns moved to hold Mr. Moore in Default. R. Heil seconded the motion. D. Yoder recused himself. Motion carried

Ms. Willoughby continued by presenting evidence in this matter that supported the complaint of a faulty installation which also indicates that the licensee did not properly follow the instructions outlined in the installation manual. And failed to properly protect the home from the elements and that the home further failed to pass inspection. She also stated that the State believes that Mr. Moore is in violation of the MHI statute and deferred to the Board's discretion for sanctions in this matter. Ms. Willoughby continued by requesting that Mr. Moore be ordered to pay all costs incurred in the prosecution of this case.

The Board noted that the home was sold at auction and in an "as is" condition. They further expressed concerns that some of the home's conditions may have already existed, but since there are no before pictures the Board also noted that they must consider the evidence as presented. The Board also noted that Mr. Moore did contract to set up the home and at this point it became his responsibility to set the home properly.

Ms. Willoughby informed the Board that the complainant requested a refund and did not want Mr. Moore to complete the installation. She further stated that Mr. Moore offered to complete the home at no cost.

Board noted that count 1 does not apply and the State agreed to delete this count from the complaint.

R. Heil moved that Mr. Moore is in violation of count 2 of the complaint. R. Young seconded the motion.. D. Yoder recused himself. Motion carried.

E. Johns moved that Mr. Moore is in violation of count 3 of the complaint. R. Huff seconded the motion. D Yoder recused himself. Motion carried.

R. Heil moved that Mr. Moore is in violation of count 4 of the complaint. G. Yoder seconded the motion. D. Yoder recused himself. Motion carried.

R. Heil moved to place Mr. Moore's license on probation with no right to request withdrawal of probation until after 3 years with the following terms and conditions. Pay a \$1,000 civil penalty for each of the three counts. Make a personal appearance each month the first year of the probation. Repeat the initial MHI education course before June 2008; must also complete continuing education within 45 days of order. An order

to Show Cause why further sanctions should not be imposed will be issued if the licensee is found to be in noncompliance. R. Young seconded the motion. D. Yoder recused himself. Motion carried.

**MINUTE NO. 07-19
OLD/NEW BUSINESS**

BOARD LIAISON TO THE ATTORNEY GENERAL'S OFFICE – DANNY YODER
No new information offered.

POTENTIAL AMENDMENTS TO INDIANA CODE IC 25-23.7-1 AND TITLE 879 OF THE INDIANA ADMINISTRATIVE CODE
No new information offered.

DISCUSSION REGARDING IC 25-23.7-5-2(1)(d)(ii), LICENSURE REQUIREMENTS
The Board reviewed the requirement to have a licensee verify work experience in order to obtain a license; and decided that out of state licensed manufactured home installers may verify experience.

INDIANA MANUFACTURED HOUSING ASSOCIATION – RE: CONTINUING EDUCATION (CE) SPONSOR APPLICATION

The Board reviewed an application from the Indiana Manufactured Housing Association as a Continuing Education provider along with outlines for a four (4) hour continuing education course. R. Heil moved to approve the application and the four (4) hour course as a mandatory course. D. Yoder seconded the motion. Motion carried.

**MINUTE NO. 07-20
ACTION ON APPLICATIONS - MANUFACTURED HOME INSTALLER**

During the application committee meeting the Board considered issuance of a license for the above stated applications. R. Heil moved to accept the applications as indicated on each file. D. Yoder seconded the motion. Motion carried.

A list of approved applications are attached and marked as **BOARD EXHIBIT 07-03 B.**

**MINUTE NO. 07-21
ADJOURNMENT**

There being no further business the meeting adjourned at 11:30 a.m.

DATE: _____

Floyd Wall, Chairman

ATTEST:

Deborah Widemon, Board Director